



MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS
Bureau of Fisheries and Wildlife
1505 Eastover Drive
Jackson, MS 39211

PUBLIC NOTICE 3798

TO: The Honorable Delbert Hosemann
Secretary of State
Post Office Box 136
Jackson, MS 39205

AND
ALL INTERESTED PERSONS

The Mississippi Commission on Wildlife, Fisheries and Parks at a meeting in Jackson, Mississippi on July 23, 2008, under authority of Section 25-43-7, Mississippi Code of 1972, make known it's intent to adopt the following regulations on commercial fishing under authority of Sections 49-1-29; 49-7-8; 49-7-9; 49-7-81 and 49-7-90.

Be it ordered that the following rules, regulations and required licenses and permits relative to commercial harvest of paddlefish (spoonbill catfish) be adopted.

Definition

Paddlefish Harvester - Resident person permitted to fish for and take Paddlefish and is allowed to sell only to persons with Paddlefish Buyer/Exporter Permit or Paddlefish Processor permit.

Paddlefish Harvester Helper – Resident person who assists a Paddlefish Harvester in the boat or transporting vehicle. Helpers cannot sell, resell or ship for sale Paddle fish or Paddlefish parts. Helper must be in the presence of Paddlefish Harvester when in possession of paddlefish or paddlefish parts.

Paddlefish Buyer/Exporter – Persons who buys, sells or ships Paddlefish or Paddlefish parts.

Paddlefish Processor - Persons who buys, sells or ships Paddlefish or Paddlefish parts with 40% of roe by weight purchased made into a retail product ready for consumption and packaged in a container with label listing that the product is paddlefish roe or caviar and that the product is "Product of Mississippi, USA".

Licenses, Permits and Tag Fees:

Persons, who take, sell, buy, or possess paddlefish, paddlefish parts, or paddlefish roe must have a commercial fishing license and one, or more, of the following permits:

Commercial Fishing License Types	Cost
Resident freshwater commercial fishing license	\$30
Nonresident freshwater commercial fishing license	\$200
Resident Paddlefish Harvester Permit	\$1000
Resident Paddlefish Harvester Helper Permit	\$200
Paddlefish tags (for each paddlefish harvested)	\$3 for card of 20 tags
Paddlefish Processor Permit	\$2,000
Paddlefish Buyer/Exporter Permit	\$5,000

Prices listed do not include processing or agent fees

Applications and Permits

Applications for permits will be accepted from October 1 through October 15, 2008. Application must be submitted electronically through a Point of sale (POS) license terminal (anywhere that hunting/fishing licenses are sold). Applicant must be 16 years of age and a resident to apply for Paddlefish Harvest permit. A non-refundable application fee of \$5, plus a processing fee will be charged. Only applications received on or before October 15, 2008 will be eligible. Only one application may be submitted per person. All applicants will be notified by mail whether or not they are approved to purchase permits. Those selected must attend a mandatory meeting to be held at the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) North Mississippi Fish Hatchery in Enid Mississippi on a date specified in the mailing notification.

MDWFP reserves the right to limit the number of Paddlefish Harvester and Paddlefish Buyer/Exporter Permits sold. Purchase of paddlefish permits is contingent on the condition that permit holders have not been convicted, within the last 5 years, of any violations of regulations governing the take, sale, or possession of paddlefish.

Paddlefish Harvester permits, Paddlefish Buyer/Exporter permits, Paddlefish Processor Permit and Paddlefish tags will expire August 30 of the year following issuance of the permits. Any unused Paddlefish tags must be returned at the end of the season.

Paddlefish Harvest:

It shall be unlawful for any person to fish for and take, possess and/or sell paddlefish and their parts (eggs and/or flesh) without having a Mississippi Resident Commercial fishing license and a Mississippi Resident Paddlefish Harvester permit. Persons having a Paddlefish Harvester permit can only sell roe to persons possessing a Mississippi Paddlefish Buyer/Exporter Permit or Paddlefish Processor permit and must document their paddlefish catch with persons holding either a Mississippi Paddlefish Buyer/Exporter Permit or Paddlefish Processor permit.

Exceptions

- 1) persons having a resident sportfishing license may possess paddlefish in accordance with sport fishing regulation for their own use but no sales are allowed.
- 2) nonresidents fishing in reciprocal waters who are properly licensed by the border state to take paddlefish can take and/or transport paddlefish to their state of residency, but while in Mississippi the paddlefish shall remain whole, there shall be no cuts or mutilation and eggs shall remain entirely within the body cavity of the fish.
- 3) A person holding a Resident Paddlefish Harvester Helper Permit while in the direct immediate presence of the permitted person. Helper must have a valid MS Freshwater Commercial Fishing License.

Minimum length for harvest of paddlefish

It shall be unlawful to harvest paddlefish less than 38 inches (fork length -front of eye to fork of tail with fish laid flat on a flat measuring board) in length.

Exceptions

- 1) On waters that border an adjacent state, during periods when both states have open seasons for commercial harvest of paddlefish, the minimum length limit will be the lower limit between the two states.

Nets must be checked at least once every 24 hours and all paddlefish captured must be removed from these nets.

Handling of Paddlefish

It shall be unlawful to possess a paddlefish without a MDWFP issued serial tag attached to the dorsal fin. The tag will be attached at capture and remain on the fish until flesh is packaged for retail sale or final retail sale is made.

1. It shall be unlawful to possess cut or mutilated paddlefish while on the water and until the fish reach a Mississippi Paddlefish Buyer/Exporter or Mississippi Processor. Mutilation involves cutting, puncturing, tearing or disfiguring of paddlefish in any way. Paddlefish shall remain whole after capture and eggs shall remain entirely within the body cavity of the fish until the fish reach a processing facility of either a Mississippi Paddlefish Buyer/Exporter or Mississippi Paddlefish Processor.

Exceptions:

- a) A 12-gauge needle inserted into the side of a paddlefish adjacent to the ovaries may be used to determine the presence of eggs.
 - b) The snout forward of the eye and the tail past the fork may be removed for transport.
2. All dead paddlefish for which harvest is legal, which are removed from capture gear must be retained, tagged and documented for consumption, sale or proper disposal. Proper disposal is Pursuant to regulations of Mississippi Dept of Environmental Quality.

Sale of Paddlefish and Paddlefish Parts:

It shall be unlawful for any person to possess, or buy, or sell, or ship across the Mississippi state line eggs or roe from Mississippi paddlefish without proper documentation with the product. (sale transaction form)

Exceptions:

1. Persons purchasing processed and packaged paddlefish eggs or flesh for consumption
2. Restaurants, grocery stores, hotels, retail fish markets, and wholesale food suppliers selling fully processed and packaged paddlefish eggs or flesh ready for retail sale.
3. Commercial shipping firms may possess legally taken paddlefish and/or paddlefish eggs or flesh shipped by persons having a Mississippi Paddlefish Seller/Buyer/Exporter/Processor permit.

Paddlefish, including the removal of roe shall be processed at a facility with a permanent address and comply with Mississippi Department of Health regulations.

Reporting Requirements for Harvest, Sale and Shipping

Paddlefish Harvester Permit holders are required to submit all sales transaction forms of Paddlefish and Paddlefish parts. Harvester shall submit the original to the MDWFP on a monthly basis by the 15th of the month following the month of harvest.

Sale Transaction Form. When Paddlefish or Paddlefish parts are purchased by Buyer/Exporter or Processor, each are required by the end of the day to submit a Sale Transaction Form an electronic copy by internet or legible fax copy to the MDWFP. If no paddlefish were harvested or sold in a month a Sale Transaction Form must still be submitted indicating such.

The Sale Transaction Form will contain the tag number, paddlefish eye to fork length in inches, presence or absence of eggs, pounds of eggs purchased, processed weight of eggs, number of nets used, hours fished, date of sale, and capture locations shall be recorded on the provided form and signed by the Harvester and Buyer/Exporter or Processor at the time of the sale. Harvester and Buyer/Exporter shall retain a copy of each sale transaction form and the seller shall submit the original to the MDWFP on a monthly basis by the 15th of the month following the month of harvest.

Monthly Processor Form

Processor will submit a form stating the pounds of roe processed as a retail product plus all sale transaction forms.

Report Retention

Paddlefish Harvester Permit holders and Paddlefish Buyer/Exporter Permit holders will retain a copy of all completed reports for a period of three years and make them available upon request by the MDWFP. Personnel of the MDWFP will be allowed to inspect processing facilities and record biological data.

Paddlefish Harvest Season, Open Areas and Quotas:

Paddlefish Season is Open from December 1 – March 31

Mississippi River Border with Arkansas and Adjacent Waters:

Description of open waters for Mississippi River:

Mississippi River from the Tennessee- Mississippi state line south to a point due west of the Corrigedor Light near Mile marker 507, including all lakes within the mainline levees of the Mississippi River in Desoto, Tunica, Coahoma, Bolivar and Washington Counties.

Paddlefish Quota for Mississippi River: Open

All other waters of the state are closed to commercial paddlefish harvest and possession of paddlefish or any paddlefish parts at this time.

Penalty for Violations

Violation of any of the Mississippi state laws or state regulations pertaining to paddlefish will be considered a Class I offense as specified in Section 49-7-90 of the Mississippi State Code of 1972 as amended.

Failure to submit required paddlefish reports to the MDWFP on the specified forms, in the specified manner and by the specified time or date will result in the revocation of Paddlefish Harvester, Paddlefish Buyer/Exporter or Paddlefish Processor Permits.

This adopted public notice will become effective September 23, 2008. Witness my hand and seal this the 27th day of August, 2008.

MISSISSIPPI COMMISSION ON WILDLIFE, FISHERIES & PARKS

BY: _____

John C Stanley IV, Chairman

MISSISSIPPI DEPARTMENT OF WILDLIFE, FISHERIES & PARKS

BY: _____

Sam Polles, Ph.D., Executive Director

I certify this to be a
true and correct copy

Executive Director

Sharon Miller

Notary

